

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

Marlene H. Doric
Secretary
Federal Communications Commission
445 12th, S.W.
Washington, D.C. 20554

To the Secretary

COMMENTS ON THE PETITION FOR RULEMAKING
OF THE NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION

Respectfully Submitted,

HISPASAT, S.A.

Telecommunications Inc.

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For Hispasat S.A.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)
)
Amendment to the National)
Table of Frequency Allocations)
To Provide Allocation Status)
For Federal Earth Stations)
Communicating with Earth)
Stations Communicating with)
Non-Federal Satellites)

COMMENTS OF HISPASAT S.A.

SEPTEMBER 15, 2006

1.0 Introduction

In an August 4, 2006 Petition for Rule Making to the Commission, the National Telecommunications and Information Administration (NTIA) urges the Commission to expeditiously initiate a rule making to, “amend the National Table of Frequency Allocations to allow Federal earth stations to operate with non-federal satellites on a primary basis consistent with the regulatory status afforded commercial operations and with the allocation status of the satellite service.”

HISPASAT. S.A. is an operator of geostationary satellites which provide commercial services to users in the United States. It is also a petitioner before the Commission in a matter also involving one of the commercial bands under consideration. This is the Petition of Hispasat, S.A to modify footnote 5.502 and other U.S. domestic allocation rules to bring them into conformance to the extent possible with the results of WRC-03. This Petition was filed in March 2006.

These comments will address the NTIA petition, point out the opportunities it presents to government agencies were it to be granted of also supporting the modification of the Commission’s rules to provide for the capabilities available in the 13.75-14.00 GHz band through implementation of the WRC-03 results in the referenced band.

2.0 The NTIA Petition

The NTIA seeks for the Earth Stations of U.S. Government Department and Agencies operating in “commercial” allocations in the U.S domestic Table of Frequencies a status equal to that of private sector users using the same frequency bands. To this end Hispasat. S.A. could support the objectives of the Petition, and in turn would seek the support of the NTIA for its Petition for reason as commented on below would be to the benefit of U.S. Government Agencies and Departments.

While endorsing the general objectives of the Petition there are some questions which need to be clarified. NTIA’s request on behalf of Gov’t Agencies is to relieve the present situation in which the present Gov’t Earth Stations operating with commercial satellites are perceived to have a “secondary” status. Under the existing status these stations must adapt to licensees of the Commission with respect causing or receiving unacceptable/harmful levels of interference.. Examples of how to improve the situation are included in the enclosure to the letter in Appendix A of NTIA,s Petition. The first such example reads as follows:

ADD USXXX-	In the bands [3600-4200.4500-
4800.5850-	7075, 10700-13250,13750-14500,
27500-	30000, and 38600-39500] MHz,
Government	stations operating in the fixed
satellite service	Shall be limited to earth stations
operating	with non-Government satellites.

Commercial licensees of the Comission operating Earth Stations in these bands must conform to the applicable provisions of Part 25 of the FCC rules. However, It is not clear that in seeking relief from the present

regulatory arrangement under the regulatory structure sought by the NTIA that any of the stations for which it wants “equal” status would be subject to the same conditions as set forth in these rules.

While supporting the NTIA objectives Hispasat’s concurrence on the final result would need to be conditioned on the “equal status” of government stations being subject to “equal rules”.

3.0 Hispasat’s Petition

In March 2006 Hispasat S.A. petitioned the Commission to consider modifying its present rules in the commercial band 13.75-14.0 GHz to consider to the extent possible accommodating the changes to the treaty based Radiocommunication Regulations which were adopted at WRC-03 and which are now in force. As the Petition describes the basic Methodology for accomplishing this is available in ITU-R Recommendations.

Incorporation of some form of the WRC-03 changes in the 13.75-14.00 GHz band, under the regulatory arrangement being requested by the NTIA for government agencies would allow the use of this allocation by earth stations with much smaller antennas, e.g. as small as 1.2 meters. Under such modified rules in both Petitions Government Agencies and Departments would have complete and protected control of earth stations for use in the transmissions of information associated with government agency requirements. Given the imbalance in the commercial Ku band allocations this, it would seem, could be a significant benefit.

Hispasat, S.A. urges the Commission to consider its Petition in connection with this matter. It should also be noted that in addition to Hispasat there are several USA satellite operators which are licensed to serve the United States and have the capability to provide service to users in the U.S. under the conditions of the WRC-03 modifications to the Radio Regulations. Again, granting the Hispasat Petition would serve to make such capabilities more extensively available to government agencies as well as private sector users.

5.0 Summary

Hispasat, S.A supports the objectives of the NTIA petition, and would, in the interest of benefits to government agencies ask that it support its Petition in relation to use of the 13.75-14.00 GHz band. Further, the status that NTIA seeks for government stations should be predicated on authorizations based on the same conditions required to be met by private sector licensees under the jurisdiction of the Commission.